

AO 451 (Rev. 01/09) Clerk's Certification of a Judgment to be Registered in Another District

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

UNITED STATES DISTRICT COURT

★ JAN 07 2010 ★

for the

District of Puerto Rico

BROOKLYN OFFICE

HECTOR HOYOS

Plaintiff

v.

HOLEDIGGER FILMS, INC.

Defendant

) **MISC 10-0006**
)
) Civil Action No. 04-1400 (JAF)
)
)

CLERK'S CERTIFICATION OF A JUDGMENT TO BE REGISTERED IN ANOTHER DISTRICT

I certify that the attached judgment is a copy of a judgment entered by this court on (date) 10/29/2004.

I also certify that, as appears from this court's records, no motion listed in Fed. R. App. P. 4(a)(4)(A) is pending before this court and that no appeal has been filed or, if one was filed, that it is no longer pending.

Date: 12/09/2009

CLERK OF COURT

FRANCES RIOS DE MORAN
CLERK OF COURT

Signature of Clerk or Deputy Clerk

by: 

LIDA ISIS EGELE
Operations Manager

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

HECTOR HOYOS

Plaintiff

v.

HOLEDIGGER FILMS, INC.

Defendants

*
*
*
*
*
*
*
*
*
*
*

CIVIL CASE NO.: 04-1400 (JAF)

RE: COLLECTION OF MONIES

JUDGMENT

On August 28th, 2004, the defendant HOLEDIGGER FILMS, INC., was served with summons and copy of the complaint. [Dkt. #3 and #9.]

The term for the defendant to answer expired on September 17th, 2004, and the defendant failed to answer or appear to defend itself.

On October 22, 2004, the plaintiff moved the Clerk for the Entry of Default, and default was entered on October 26, 2004. [Dkt. #7].

On October 26, 2004, the plaintiff filed a Motion Requesting Judgment by Default.

Pursuant to Rule 55(b)(1) of the Federal Rules of Civil Procedure, Judgment by default may be entered when:

"the plaintiff's claim against a defendant is for a sum certain or for a sum which can by computation be made certain, the clerk upon request of the plaintiff and upon affidavit of the amount due shall enter judgment for that amount and costs against the defendant, if the defendant has been defaulted for failure to appear and is not an infant or incompetent person." Rule 55(b)(1) of the Federal Rules of Civil Procedure.

As per the verified statement attached by the plaintiff Hector Hoyos to his Motion, on October 17, 2003, Mr. David Newman, Vice-President, and acting on behalf, of HOLEDIGGER FILMS, INC., subscribed a Promissory Note to his order, for the principal sum of One Hundred Thousand Dollars (\$100,000.00). The entire principal, together with interest at a rate of eight percent (8%) per annum, was to be paid on November 30, 2003. Copy of the Note that was attached as Exhibit 1 to the complaint.

HOLEDIGGER FILMS, INC. defaulted on the payment of the principal amount as agreed on the Promissory Note.

This has left an unpaid balance, including interest as of October, 30, 2004, in the amount of One Hundred Six Thousand Six Hundred Sixty Six Dollars and Sixty Six Cents (\$106,666.66), which will continue to accrue interest at the rate of \$666.66 per month, or \$21.92 per day, until its full payment.

The above stated amount is due and payable, not having been satisfied by HOLEDIGGER FILMS, INC., or any agent on its behalf, notwithstanding repeated collection efforts performed by the plaintiff.

Pursuant to the terms and conditions of the Note the plaintiff is also entitled to recover reasonable attorneys' fees.

WHEREFORE, pursuant to Rule 55(b)(1) of the Federal Rules of Civil Procedure, the Court hereby enters Judgment for the plaintiff Hector Hoyos and against the defendant HOLEDIGGER FILMS, INC., as of October 29, 2004, in the amount of One Hundred Six Thousand Six Hundred Sixty Six Dollars and Sixty Six Cents (\$106,666.66), which will continue to accrue interest at the rate of \$666.66 per month, or \$21.92 per day, until its full payment.

The plaintiff shall move the Court for an award of reasonable attorney's fees as allowed by L.Cv.R. 54(a).

In San Juan, Puerto Rico, this 29th day of October, 2004.

S/José Antonio Fusté
JOSE A. FUSTE
U.S. DISTRICT JUDGE

